



UNITED STATES PATENT AND TRADEMARK OFFICE

mm

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/810,625	03/19/2001	Catherine Tornabene	06975-114001	8814
26171 7590 07/27/2007 FISH & RICHARDSON P.C. P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER DENNISON, JERRY B	
			ART UNIT 2143	PAPER NUMBER
			MAIL DATE 07/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/810,625

Applicant(s)

TORNABENE ET AL.

Examiner

J. Bret Dennison

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33,35-38 and 40-59 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33,35-38 and 40-59 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to the Amendment for Application Number 09/810,625 received on 28 July 2006.
2. Claims 1-33, 35-38, 40-59 are presented for examination.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 13, 59 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 13 recites the limitation "the calendar" in lines 2 and 3 of the claim. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 59 includes the limitation, "wherein member-only static data resources are selected by a person or a system that is outside of the group." It is unclear to Examiner how someone/something can select, or even have access to "member-only" data. If non-members have access to the data, then the data would not be "member-only." It is also unclear Examiner what such a selection is for.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 2143

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 8-13, 15, 22-28, 34-55, 58 are rejected under 35 U.S.C. 102(e) as being anticipated by Waesterlid et al. (U.S. Patent Number 6,993,325).

5. Regarding claims 1 and 35, Waesterlid disclosed a computer implemented method of sharing static resources associated with a group among members of the group, the method comprising:

storing member-only static data resources associated with a group in a host system (Waesterlid, col. 8, lines 33-35, 43-48);

storing information associated with all current members of a group in a database (Waesterlid, col. 2, lines 15-20, col. 6, lines 35-40, 50-55, col. 8, lines 33-35, 43-48);

receiving instructions from at least one current member to invite at least one prospective member to join the group (Waesterlid, col. 7, lines 4-6);

sending an invitation to the prospective member to join the group (Waesterlid, col. 7, lines 4-6);

receiving an affirmative response from the prospective member (Waesterlid, col. 7, lines 8-15);

adding the prospective member to of the group as a new member based upon receipt of an affirmative response (Waesterlid, col. 7, lines 10-15, col. 8, lines 30-35);

automatically updating group membership to account for the new member (Waesterlid, col. 2, line 34, col. 7, lines 13-20);

storing information associated with the new member in the database (Waesterlid, col. 8, lines 33-35, 43-48);

sharing the member-only static data resources associated with the group among the current members of the group and the new member based upon the updated group membership (Waesterlid, col. 1, lines 35-40, lines 55-60, Waesterlid disclosed a more efficient method to use the same features of affinity groups, which includes sharing calendars, col. 8, lines 33-35, 43-48); and

sharing the stored information associated with the current members of the group and the new member based upon the updated group membership (Waesterlid, col. 8, lines 40-45).

Claim 35 includes a computer program with limitations substantially similar to the limitations of claim 1 and is therefore rejected under the same rationale.

6. Regarding claim 8, Waesterlid disclosed the limitations, substantially as claimed, as described in claim 1, including wherein automatically updating group membership to account for the new member comprises providing a list of current members that includes the new member (Waesterlid, Fig. 6B, col. 2, lines 15-20, col. 8, lines 40-45).

Art Unit: 2143

Regarding claim 9, Waesterlid disclosed the limitations, substantially as claimed, as described in claim 1, including wherein automatically updating group membership to account for the new member comprises providing information in an address book that includes address information for the new member (Waesterlid, col. 7, line 63 through col. 8, line 45-50, Waesterlid disclosed the update message including address information for the new member).

7. Regarding claim 10, Waesterlid disclosed the limitations, substantially as claimed, as described in claim 9, including updating the address book based upon information entered by the current members of the group (Waesterlid, col. 8, lines 54-60, Waesterlid disclosed the client application taking appropriate action to add, delete, or modify member records in the corresponding group database, wherein modifying member records from the update message is based from members being entered by those members).

8. Regarding claim 11, Waesterlid disclosed the limitations, substantially as claimed, as described in claim 1, including wherein sharing the member-only static data resources associated with the group with the current members of the group and the new member comprises providing information in a shared group calendar that includes information for the new member (Waesterlid, col. 1, lines 35-43).

Art Unit: 2143

9. Regarding claim 12, Waesterlid disclosed the limitations, substantially as claimed, as described in claim 11, including updating the shared group calendar based upon information entered by the current members of the group (Waesterlid, col. 1, lines 35-43).

10. Regarding claim 13, Waesterlid disclosed the limitations, substantially as claimed, as described in claim 11, including inviting current group members to attend an event and automatically recording the event in the shared group calendar (Waesterlid, col. 1, lines 35-43).

11. Regarding claim 15, Waesterlid disclosed the limitations substantially as claimed as described in claim 1, including wherein sharing the stored information associated with the current members of the group and the new member comprises enabling current members of the group to send instant messages to other current members of the group including the new member (Waesterlid, col. 1, lines 25-35).

12. Regarding claim 22, Waesterlid disclosed the limitations substantially as claimed as described in claim 1, including offering new services based upon the current members of the group including the new member (Waesterlid, col. 7, lines 10-20, Waesterlid disclosed providing the new member with a list of the current members of the group).

Art Unit: 2143

13. Regarding claim 23, Waesterlid disclosed the limitations substantially as claimed as described in claim 1, including wherein sharing the member-only static data resources associated with the group with the current members of the group and the new member comprises providing information in an instant messaging buddy list that includes information for the new member (Waesterlid, col. 1, lines 25-35, col. 8, lines 40-45).

14. Regarding claim 24, Waesterlid disclosed a communication system for sharing information among members of a group comprising

a group administrator for processing information about the current members of the group (Waesterlid, col. 7, line 2-8);

a group communicator cooperating with the group administrator for delivering and exchanging information with current and prospective group members (Waesterlid, col. 7, line 2-8, 25-40, Waesterlid disclosed the administrator able to send out membership requests and update requests) including enabling current group members to access member-only static data resources (Waesterlid, col. 1, lines 35-40); and

a group information updater cooperating with the group communicator and group administrator for providing updated information associated with group members to current members including a new member, wherein in response to an affirmative response to an invitation to a prospective member to join the group, the group information updater is instructed by the group communicator to add the prospective member of the group (Waesterlid, col. 7, lines 2-20).

15. Regarding claim 25, Waesterlid disclosed the limitations substantially as claimed as described in claim 24, including wherein the group administrator further comprises:

a group member profile server for updating data related to current members including the new member (Waesterlid, col. 6, lines 35-40, master group database, col. 8, lines 1-2 member data); and

a database connected to the group member profile server for storing data related to current members including the new member (Waesterlid, col. 6, lines 35-40, master group database, col. 8, lines 1-2 member data).

16. Regarding claim 26, Waesterlid disclosed the limitations substantially as claimed as described in claim 24, including wherein the group communicator further comprises:

an instant message host in communication with a client system (Waesterlid, col. 6, lines 30-45, client/server approach); and

a login server in communication with a client system and the instant message host for determining whether the client is authorized to access the instant message host (Waesterlid, col. 1, lines 30-35, ICQ).

17. Regarding claim 27, Waesterlid disclosed the limitations substantially as claimed as described in claim 26, including wherein the instant message host further comprises:

an instant message server for sending and receiving data (Waesterlid, col. 1, lines 30-35, ICQ).; and

a domain server cooperating with the instant message server for providing supporting functions of the instant message host (Waesterlid, col. 1, lines 30-35, ICQ).

18. Regarding claim 28, Waesterlid disclosed the limitations substantially as claimed as described in claim 27, including wherein the instant message host further comprises a routing gateway connected to the instant message server (Waesterlid, col. 3, lines 20-25).

19. Regarding claim 36, Waesterlid disclosed the limitations substantially as claimed as described in claim 35, including wherein the computer readable medium is a disc (Waesterlid, col. 4, lines 35-60).

20. Regarding claim 37, Waesterlid disclosed the limitations substantially as claimed as described in claim 35, including wherein the computer readable medium is a client device (Waesterlid, col. 6, lines 49-65).

21. Regarding claim 38, Waesterlid disclosed the limitations substantially as claimed as described in claim 35, including wherein the computer readable medium is a host device (Waesterlid, col. 5, lines 30-50).

22. Regarding claim 40, Waesterlid disclosed the limitations substantially as claimed as described in claim 1, including wherein the current members of the group comprise members of a family (Waesterlid, col. 1, lines 20-25).

23. Regarding claim 41, Waesterlid disclosed the limitations substantially as claimed as described in claim 1, including wherein the prospective member comprises a relative of a current member of the group (Waesterlid, col. 1, lines 20-25).

24. Regarding claim 42, Waesterlid disclosed the limitations substantially as claimed as described in claim 1, including in which storing information about all members of a group comprises storing information about all members of a private group (Waesterlid, col. 6, lines 35-40, col. 8, lines 1-5).

25. Regarding claim 43, Waesterlid disclosed the limitations substantially as claimed as described in claim 1, including in which storing information about all members of a group comprises storing information about all members of a public group (Waesterlid, col. 6, lines 35-40, col. 8, lines 1-5).

26. Regarding claim 44, Waesterlid disclosed the limitations substantially as claimed as described in claim 1, including wherein the invitation comprises a personalized message to the prospective member (Waesterlid, col. 7, lines 3-6).

Art Unit: 2143

27. Regarding claims 45-53, Waesterlid disclosed the limitations substantially as claimed as described in claim 1, including wherein a group founder authorizes invitations to prospective members and has the power to add and delete users from the group and promoting and demoting group members (Waesterlid, col. 7, lines 1-20, col. 8, lines 50-65).

28. Regarding claim 54, Waesterlid discloses the limitations substantially as claimed as described in claim 1, including providing a notification of the response to one or more current members (Waesterlid, col. 7, lines 10-15).

29. Regarding claim 55, Waesterlid disclosed the limitations substantially as claimed as described in claim 1, including treating the new member as a current member (Waesterlid, Fig. 6B, 216).

30. Regarding claim 58, Waesterlid disclosed the limitations substantially as claimed as described in claim 1, including wherein sharing the member-only static data resources associated with the group with the current members of the group and the new member comprises sharing buddy list information (Waesterlid, col. 1, lines 30-35).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-7, 14 and 56-57, 59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waesterlid.

31. Regarding claims 2-4, Waesterlid disclosed the limitations, substantially as claimed, as described in claim 1, including wherein the Membership Request Message follows a standard protocol that includes a header and information field (Waesterlid, col. 10, lines 35-47). Waesterlid also disclosed the use of instant messaging, chat, and email provided to users of the system as all standard protocols for communicating amongst group members (Waesterlid, col. 1, lines 25-35, col. 4, lines 8-20).

Waesterlid did not explicitly state wherein sending the invitation comprises using an e-mail message, instant message, or using an on-line chat room.

However, e-mail, instant messaging, and on-line chat are all standard forms of communication that use a protocol, which includes a header and information field. Since Waesterlid did not limit the Membership Request Message to a specific type of communication, it would have been obvious for a network administrator to look for any standard types of communication, including email, instant messaging, and on-line chat,

to send this request to provide users with a system that can be implemented across well known standards of communication that are already publicly used across the internet.

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these types of communication into Waesterlid since they are all standard existing technologies that facilitate interaction among the members of a group (Waesterlid, col. 1, lines 25-35).

32. Regarding claims 5-7, Waesterlid disclosed the limitations, substantially as claimed, as described in claim 1, including wherein the Membership Reply Message follows a standard protocol that includes a header and information field (Waesterlid, col. 10, lines 50-55). Waesterlid also disclosed the use of instant messaging, chat, and email provided to users of the system as all standard protocols for communicating amongst group members (Waesterlid, col. 1, lines 25-35, col. 4, lines 8-20).

Waesterlid did not explicitly state wherein receiving the response comprises using an e-mail message, instant message, or using an on-line chat room.

However, e-mail, instant messaging, and on-line chat are all standard forms of communication that use a protocol, which includes a header and information field. Since Waesterlid did not limit the Membership Reply Message to a specific type of communication, it would have been obvious for a network administrator to look for any standard types of communication, including email, instant messaging, and on-line chat, to send this request in order to provide users with a system that can be implemented

across well known standards of communication that are already publicly used across the internet.

It would have also been obvious to one of ordinary skill in the art at the time the invention was made to incorporate these types of communication into Waesterlid since they are all standard existing technologies that facilitate interaction among the members of a group (Waesterlid, col. 1, lines 25-35).

33. Regarding claim 14, Waesterlid disclosed the limitations substantially as claimed as described in claim 1. Waesterlid also disclosed two approaches that may be taken for communication between member groups, including the client/server approach, and the peer-to-peer approach (col. 6, lines 30-67).

Waesterlid did not explicitly state including wherein sharing the member-only static data resources associated with the group with the current members of the group and the new member comprises providing an on-line forum for current members of the group to chat with other current members of the group including the new member.

However, an on-line forum is a standard form of communication used by client/server systems, in which a protocol is used, which includes a header and information field in order to send the messages to the forum. Since Waesterlid did not limit the communication protocol to a specific type of communication, it would have been obvious for a network administrator to look for any standard types of communication, which includes on-line forums, to send messages in order to provide

Art Unit: 2143

users with a system that can be implemented across well known standards of communication that are already publicly used across the internet.

34. Regarding claims 56 and 57 Waesterlid disclosed sharing a specific example of a static data resource associated with the group with the current members of the group and the new member, the specific example being a shared calendar (Waesterlid, col. 1, lines 35-40). Waesterlid did not expressly disclose sharing a member-only private group website or a map.

However, these differences are only found in the nonfunctional descriptive material and are not functionally involved in the steps recited. Sharing would be performed the same regardless of the data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability. See *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include the nonfunctional descriptive material with the claimed invention because such data does not functionally relate to the steps in the method claimed and because the subjective interpretation of the data does not patentably distinguish the claimed invention.

35. Regarding claim 59, Waesterlid disclosed the limitations, substantially as claimed, as described in claim 1. Waesterlid did not explicitly state wherein member-

Art Unit: 2143

only static data resources are selected by a person or a system that is outside of the group.

It would have been obvious to one of ordinary skill in the art at the time the invention was made that the administrator would have complete control of the affinity group system, selecting the data and programs that may be shared or may not be shared within the groups in order to prevent users from abusing the system.

Claims 16-21, 29-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waesterlid in view of Sonnenreich (U.S. 5,974,446).

36. Regarding claims 16-21, Waesterlid disclosed the limitations, substantially as claimed as described in claim 1. Waesterlid disclosed the use of email to facilitate interaction among the members of a group (Waesterlid, col. 1, lines 25-30). Waesterlid did not explicitly state including wherein members of the group can share data files with each other, wherein the data files include multimedia such as digital images and photographs, and text files.

However, it would have been obvious for one of ordinary skill in the art at the time the invention was made that standard emailing systems provide senders with the ability to attach files to send to the recipient, the files being any type of file.

Since Waesterlid disclosed email as an existing technology to provide for communication between members, it would have been obvious to one of ordinary skill in

the art at the time the invention was made that members of the group of Waesterlid have the capability to send multimedia and text files to share amongst other members by using email as the type of communication.

In an analogous art, Sonnenreich disclosed a system for communicating between server and clients wherein clients and teacher communicate with each other through instant messaging (col. 4, lines 18-30) in which members of the group can share data files with each other, wherein the data files include multimedia (Sonnenreich, col. 4, lines 44-50) and text files (Sonnenreich, col. 4, lines 1-10, 25-44).

Both Waesterlid and Sonnenreich provide systems in which members of a group communicate through standard protocols. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to incorporate the sharing of data/multimedia, as taught by Sonnenreich, into Waesterlid to provide users with an enhanced communication system that provides extra services allowing members of an affinity group to share common interests such as music (Waesterlid, col. 1, lines 20-25).

37. Regarding claims 29-33, Waesterlid disclosed the limitations substantially as claimed as described in claim 24. Waesterlid did not explicitly state having a login server providing a graphical user interface for members of the system.

However, it would have been obvious to one of ordinary skill in the art that the members would need a graphical user interface in order to use the functions as

Art Unit: 2143

disclosed in Waesterlid, such as chat rooms, instant messaging, ICQ, which are all well known programs that use graphical user interfaces and require login.

In an analogous art of shared groups, Sonnenreich disclosed a system for communicating between server and clients wherein clients and teacher communicate with each other, in which clients provide personal identification and information to gain access and start exchanging information (Sonnenreich, col. 6, lines 25-67).

Both Waesterlid and Sonnenreich provide systems in which members of a group communicate through standard protocols. Therefore, it would have been obvious for one of ordinary skill in the art at the time the invention was made to incorporate the log in functionality of Sonnenreich into Waesterlid in order to provide a secure system providing only authorized users with the services of the system.

Response to Amendment

Applicant's arguments and amendments filed on 20 November 2006 have been carefully considered but they are not deemed fully persuasive. Applicant's arguments are deemed moot in view of the following new grounds of rejection as explained here below, necessitated by Applicant's substantial amendment (*i.e., by incorporating new limitations into the independent claims, which will require further search and consideration*) to the claims which significantly affected the scope thereof.

Applicant provides examples of “static data resources associated with a group” to include “a private group web site, a shared map, a shared calendar, or a shared any other type of data files” [see, Response, page 13].

Applicant then asserts, “Wasterlid fails to describe or even suggest at least the feature of sharing static data resources associated with the group among the current members of the group and the new member” [see, Response, page 13].

Examiner respectfully disagrees.

Waesterlid disclosed a more efficient method to use the same features of affinity groups, which includes calendars (Waesterlid, col. 1, lines 35-40). These calendars are shared amongst the members of the group, and therefore are shared calendars, as Applicant describes them. Therefore Waesterlid disclosed the limitation as claimed.

Applicant argues that Waesterlid’s system is a connectionless method and that Sonnenreich’s teachings rely on the user’s connection to the server. Applicant asserts that the rejections for claims 16-21, and 29-33 “fail to establish a prima facie case of obviousness” [See Applicant’s Response, page 17].

Examiner respectfully disagrees.

As explained above, Waesterlid describes a more efficient method that expands the capabilities of regular features of well-known affinity groups. Waesterlid describes some of the well-known affinity group programs to include chat rooms, email, PIM applications, AOL Instant messenger, ICQ. Therefore, while Waesterlid provides a method to find the status information without having to log on, Waesterlid still provides for the same connection-oriented functionality as well, which is actually using such

programs as part of a group. Therefore, in Waesterlid, users still actually log in to use certain functions. Applicant is surely aware that members would need a graphical user interface in order to use the functions as disclosed in Waesterlid, such as chat rooms, instant messaging, ICQ, which are all well known programs.

Thus, Applicant's arguments drawn toward distinction of the claimed invention and the prior art teachings on this point are not considered persuasive. It is also clear to the Examiner that Waesterlid clearly taught the independent claims of the Applicant's claimed invention.

It is the Examiner's position that Applicant has not yet submitted claims drawn to limitations, which define the operation and apparatus of Applicant's disclosed invention in manner, which distinguishes over the prior art.

Failure for Applicant to significantly narrow definition/scope of the claims and supply arguments commensurate in scope with the claims implies the Applicant intends broad interpretation be given to the claims. The Examiner has interpreted the claims with scope parallel to the Applicant in the response and reiterates the need for the Applicant to more clearly and distinctly define the claimed invention.

Conclusion

Examiner's Note: Examiner has cited particular columns and line numbers in the references applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are

Art Unit: 2143

applied to specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

In the case of amending the claimed invention, Applicant is respectfully requested to indicate the portion(s) of the specification which dictate(s) the structure relied on for proper interpretation and also to verify and ascertain the metes and bounds of the claimed invention.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Bret Dennison whose telephone number is (571) 272-3910. The examiner can normally be reached on M-F 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



J. B. D.
Patent Examiner
Art Unit 2143



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100